



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 3 (ARIZONA) 700 MHZ REGIONAL PLAN AMENDMENT

PS Docket No. 06-229 and WT Docket No. 02-378

Introduction. On January 31, 2008, the Region 3 (Arizona)¹ 700 MHz Regional Planning Committee (RPC) (Region 3) submitted a proposed amendment² to its 700 MHz Public Safety Plan for General Use³ spectrum in the 769-775/799-805 MHz band. Region 3 concurrently requested a temporary, limited waiver of Sections 90.527(a)(3) and (6) of the Commission's rules, 47 C.F.R. §§ 90.527(a)(3), (6) (requiring that regional plans incorporate a general description of how the spectrum would be allotted among the various eligible users, and a detailed description of how the plan put the spectrum to the best possible use).⁴ On June 9, 2008, Region 3 submitted a revised Appendix G – Pre-Allocation and Current Assignment of Spectrum Statement.⁵ For the reasons discussed below, we approve the Region 3 700 MHz Plan Amendment, and dismiss the Waiver Request as moot.

Background. On July 31, 2007, the Federal Communications Commission (Commission) adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁶

¹ The Region 3 (Arizona) 700 MHz regional planning area encompasses the entire state of Arizona, consisting of fifteen counties and twenty-two Native American Tribal Communities. See Revised Plan Section 3.0 Region Description at 7, for a list and map identifying the name and location of each Tribal Community. In addition, Region 3 shares a border with Mexico.

² See Letter from Mark Schroeder, Region 3 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 96-86, PS Docket No. 06-229 (filed Jan. 31, 2008) (Plan Amendment and Waiver Request). The Region 3 Plan was initially approved in November 2006. See Public Safety and Homeland Security Bureau Approves Region 3 (Arizona) 700 MHz Regional Plan, WT Docket No. 02-378, *Public Notice*, 21 FCC Rcd 13565 (PSHSB 2006).

³ The General Use spectrum is administered by RPCs and licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination.

⁴ See Waiver Request at 84.

⁵ See Letter from Mark Schroeder, Region 3 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 96-86, PS Docket No. 06-229 (filed June 9, 2008) (submitting Appendix G - Pre-Allocation and Current Assignment of Spectrum Statement).

⁶ Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

In revising the band plan for the public safety 700 MHz band, the Commission noted that consolidating the narrowband channels in the upper part of the band will impact approved and pending 700 MHz RPC plans. Accordingly, the Commission required RPCs with approved plans or plans on file to submit amended plans consistent with the decisions adopted in the *Second Report and Order* by November 23, 2007.⁷ On November 9, 2007, the Bureau extended the deadline for RPCs to submit amended plans, consistent with the decisions adopted in the *Second Report and Order*, to January 31, 2008, and provided additional guidance for the development of plan amendments.⁸

Review of the Region 3 Plan Amendment. The Plan Amendment revises the former Plan Appendix G – AZ 700 RPC CAPRAD, dated August 31, 2005. The revised Appendix G – Pre-Allocation and Current Assignment of Spectrum Statement is updated to reflect the available General Use frequencies in the new consolidated narrowband spectrum plan, pursuant to the *Second Report and Order*.⁹

Region 3 coordinated the Plan Amendment and obtained letters of concurrence from its five adjacent regions, Region 5 (Southern California), Region 7 (Colorado), Region 27 (Nevada), Region 29 (New Mexico) and Region 41 (Utah).¹⁰

On July 18, 2008, the Region 3 Plan Amendment was placed on *Public Notice* for comment.¹¹ We received no comments. We have reviewed the Region 3 Plan Amendment, and conclude, based on the information before us that it complies with FCC rules and policies. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), the Region 3 (Arizona) 700 MHz Public Safety Plan Amendment is APPROVED.

⁷ As of the adoption date of the *Second Report and Order*, the following regional plans had been approved: Region 5 (Southern California), Region 19 (New England), Region 24 (Missouri), Region 22 (Minnesota), Region 12 (Idaho), Region 39 (Tennessee), Region 43 (Washington), Region 41 (Utah), Region 3 (Arizona), and Region 40 (Northern Texas). The following regional plans were pending as of the adoption date of the *Second Report and Order*: Region 1 (Alabama), Region 27 (Nevada), Region 45 (Wisconsin), Region 7 (Colorado), Region 9 (Florida), Region 16 (Kansas), and Region 20 (Northern Virginia, Maryland and the District of Columbia).

⁸ See Public Safety and Homeland Security Bureau Announces an Extension of the Deadline for 700 MHz Regional Planning Committees to Amend 700 MHz Narrowband Plans from November 23, 2007 to January 31, 2008, PS Docket No. 06-229, WT Docket No. 96-86, *Public Notice*, 22 FCC Rcd 19461 (PSHSB 2007).

⁹ See Plan Amendment, Appendix G – Pre-Allocation and Current Assignment of Spectrum Statement.

¹⁰ See Plan Amendment, Appendix J – *Second Report and Order* Plan Change Concurrences from Adjacent Regions.

¹¹ See Comments Invited on Region 3 (Arizona) 700 MHz Plan Amendment, PS Docket No. 06-229; WT Docket No. 02-378, *Public Notice*, 23 FCC Rcd 11060 (PSHSB 2008). Comments were due August 8, 2008, and reply comments were due August 18, 2008.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Chief, Policy Division, Public Safety and Homeland Security Bureau.

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